HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 4357 (S/S) 2001

Suresh Chandra Soni, S/o Late Sri Tota Ram,
R/o G-107, Nehru Colony, Dehradun. ...Petitioner

Vs.

1. Commissioner, Garhwal Mandal, Pauri,
   District Pauri Garhwal,
2. District Magistrate, Dehradun,
3. Joint Director, Treasury, Dehradun. ...Respondents

Sri Rajendra Dobhal, learned counsel for the petitioner.
Learned Standing counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rajendra Dobhal, learned counsel for the petitioner and learned Standing counsel for the respondents.

Both the parties are agreed that the writ petition may be decided finally at this stage.

Time was granted to the learned Standing Counsel for filing counter affidavit, but no counter affidavit is filed so far.

Vide order dated 28th November 1989, the petitioner who was working as Assistant Accountant in Treasury, Dehradun was terminated by the District Magistrate, Dehradun. Against the termination order, the petitioner filed appeal before the Commissioner, Garhwal Mandal Pauri and the Commissioner vide its order dated 20.04.1991 has set-aside the order passed by the District Magistrate and withheld the two annual increments of the petitioner permanently. For the payment of the salary for the period during which the petitioner remained under suspension, the Commissioner has further passed order that a separate order shall be passed in this regard.

On 23rd October 1991, the Joint Director of Treasury, Dehradun has passed order that the petitioner is entitled to get 2/3rd of the salary for the period of his absence.

Since the salary of the petitioner for the intervening period i.e. from 29.11.1989 to 20.04.1991 was not paid to the petitioner as directed by the Joint Director of Treasury, the

petitioner approached by means of this writ petition to this Court and has prayed that a writ of mandamus be issued commanding the respondents to pay salary to the petitioner as directed vide order dated 23.10.1991 passed by the respondent no.3 for the intervening period i.e. from 29.11.1989 to 20.04.1991.

The respondents have not filed any counter affidavit as to why they are not making payment to the petitioner in spite of the order passed by the Joint Director of Treasury. Since there is already an order in favour of the petitioner for payment of salary equivalent to 2/3rd of his whole salary for the disputed period, I direct the respondent to make payment of salary to the petitioner for the period 29.11.1989 to 20.04.1991 as per the order passed by the Joint Director of Treasury on 23rd October 1991 within a period of six weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

December 15, 2004:
NCM: